

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSEPHINE CLANCY,

Plaintiff,

-against-

1:04-CV-1099
(LEK/DEP)

JO ANNE B. BARNHART,
Commissioner of
Social Security,

Defendant.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on July 24, 2006 by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(d) of the Northern District of New York. Report-Rec.(Dkt. No. 23). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff, which were filed on August 4, 2006. Objections (Dkt. No. 24).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.¹

¹The court wishes to note that the Report-Recommendation contains several errors in both citations to the record and dates of the Plaintiff’s doctors visits. These limited errors are not

Accordingly, it is hereby

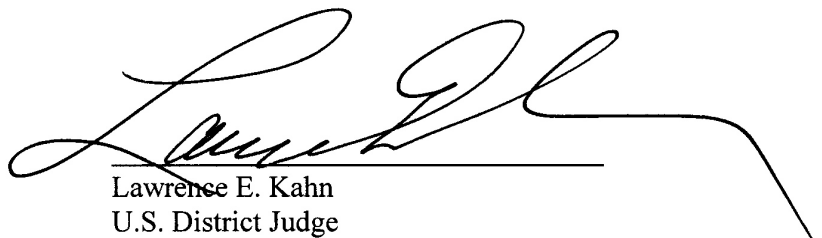
ORDERED, that the Report-Recommendation (Dkt. No. 23) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendant's Motion for judgment on the pleadings (Dkt. No. 22) is **GRANTED**, that the Commissioner's determination of no disability is **AFFIRMED**, and that Plaintiff's Complaint in this action is **DISMISSED**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 28, 2006
Albany, New York



Lawrence E. Kahn
U.S. District Judge

material and therefore do not affect the substantive outcome of the case, or the analysis contained in the Report-Recommendation.